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May 8, 2025

**VIA ECF**

Hon. Jesse M. Furman  
United States District Court for the Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *Frommer et al. v. MoneyLion Techs. Inc. et al.*, No. 1:23-cv-06339-JMF**

Dear Judge Furman:

We write on behalf of Plaintiffs in response to the statement made in MoneyLion’s closing presentation demonstrative, ECF No. 221, at slide 92, stating, “MoneyLion cannot issue any additional MLI stock” as a result of its transaction with Gen Digital.

We seek to file a short letter in response to this statement because it is the first time we are hearing it. MoneyLion—notwithstanding the Court’s Order directing the parties to address the Gen Digital issue at closing (ECF No. 219)—elected to remain silent instead, and did not show the content of slide 92 at trial. And this was even after Sellers’ counsel, during the closing and before MoneyLion’s counsel took the podium, reminded the Court that MoneyLion’s counsel had, days earlier, and in response to the Court’s question about the Gen Digital transaction, stated that “[f]rom our perspective, I don’t think it affects the case or our position on any of this.” Trial Tr. 1046:15-6.

If permitted to respond, Sellers would point the Court to authorities that address equitable relief in similar circumstances.

Respectfully submitted,

/s/ Eliot Lauer

Eliot Lauer